

SAN DIEGO POLICE DEPARTMENT



DOMESTIC VIOLENCE OPERATIONS MANUAL

(Revised 4/27/99)

**DOMESTIC VIOLENCE UNIT
OPERATIONS MANUAL
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SECTION I

INTRODUCTION

On August 12, 1992, Investigations Division I was designated as the Department's Family Protection Division. This title coincided with divisions with like responsibilities within offices of the District Attorney and City Attorney. The mission was to direct organizational efforts toward stemming the cycle of violence associated with child abuse and related incidents of domestic violence by attacking the root causes of this socially destructive phenomenon. In order to secure maximum coordination, the Child Abuse Unit and the Domestic Violence Unit were combined into a single section under one lieutenant.

This was a logical grouping since a definite link had been found between domestic violence/child abuse and criminal acts committed by juveniles. More often than not, in many of these cases the home had evolved into a training ground for "Next generation" antisocial, illegal and violent behavior.

When the Department decentralized in 1981, investigative responsibility for domestic violence related offenses was delegated to the seven-area command "Crimes Against Persons" Units. Within the ten-year period that followed, numerous new laws were enacted by the Legislature governing how domestic violence cases were to be handled.

Because of the increasing caseload, investigation of domestic violence offenses due largely to varying priorities and types of other cases (i.e. street robberies, ADW's, attempted murder, etc.) had become fragmented and non-standardized in findings and levels of prosecution recommended. Consequently the proper management of domestic violence cases was taking on greater importance as issues of civil and criminal liability arose in conjunction with the rapidly growing level of public awareness.

Consistency among the seven area commands in responding to those incidents was becoming an issue of growing concern.

In order to assure quality control over domestic violence investigations, it was recommended that the San Diego Police Department form a centralized Domestic Violence Unit similar to that in place for dealing with child abuse cases. On August 3, 1992, the recommendation became reality with the implementation of the Department's Domestic Violence Unit. The Unit initially consisted of the Family Protection Division lieutenant, two sergeants, 16 detectives, two light duty detectives and three clerical staff. The Unit added one sergeant and three detectives on November 2, 1992, and is currently operating at that level.

PROCEDURE MANUAL

PREFACE

The San Diego Police Department Domestic Violence Unit is responsible for the investigation of all domestic violence cases except cases involving sworn San Diego officers and homicide. The Professional Standards Unit investigates domestic Violence cases involving sworn personnel. Supervisors from the Domestic Violence unit may act in an advisory capacity.

Homicides Division investigates domestic violence homicides. Domestic violence will do a domestic violence profile to check for prior domestic violence history.

Data contained in this manual represents the majority of established procedures and policies, which are applicable to the efficient operation of the Domestic Violence Unit. In essence, the Manual is intended to provide meaningful guidelines for all investigators assigned to this specialized unit in the form of a training and reference aid. It shall be used in accordance with the other established policies and procedures contained in the Department's Investigative Procedures Manual.

All personnel are encouraged to become thoroughly familiar with the contents of both manuals and make reference to the enclosed materials and samples when questions arise.

MISSION STATEMENT

The Domestic Violence Unit has the responsibility of investigating all domestic violence cases that occur within the City of San Diego.

GOAL STATEMENT

It is the goal of the Domestic Violence Unit to discharge its responsibilities in an enlightened, timely, impartial, consistent, and lawful manner; and to provide a high level of assistance to the victims of domestic violence. The Domestic Violence Unit works with community based agencies and groups in developing educational programs with the goal of reducing domestic violence related incidents.

Through adherence to this goal, the unit strives to: (1) investigate each case thoroughly and in a timely manner; (2) follow the guidelines set forth in the District Attorney and City Attorney's Domestic Violence Protocol; (3) provide victims with information regarding the various support groups; and (4) assist victims with the process of obtaining restraining orders.

SECTION II

PERSONNEL

1. Commanding Officer - Lieutenant
2. Four Police Sergeants
3. Twenty-Seven General Investigators
4. One Senior Clerk/Typist
5. Two Word Processing Operators
6. Light Duty Sworn Personnel - when available

DUTY HOURS

1. Daily
 - a. 0600 -1730 Hours
2. All personnel are expected to be punctual when reporting for duty.
 - a. Attempt to notify a Unit supervisor when situation arises which will cause a delay in arriving on time.
 - b. Lateness will not be tolerated.
 - c. Contact a unit supervisor when calling in sick.

POSITION RESPONSIBILITIES

LIEUTENANT

DESCRIPTION OF DUTIES

Responsible for the overall operation of the Domestic Violence Unit, which includes four (4) sergeants, twenty-seven (27), two light-duty sworn personnel and three clerical personnel.

FUNCTIONAL DUTIES

Provides direct supervision to sergeants assigned to Domestic Violence; ensures that Unit goals and objectives are being pursued by reviewing selected case cancellations and follow-up reports for which section personnel are responsible; reviews and approves all Unit policies and policy changes; approves and signs Department correspondence from the Unit; assigns citizen complaints and City Manager route slips for investigation; plans, prepares and submits budget requests; controls expenditures; inspects operations and maintains control data for the Unit; actively participates and maintains liaison with local, County and State investigative agencies; maintains inventory control of the unit; periodically interviews prospective new civilian and sworn personnel and candidates for Investigations Bureau; actively participates and supervises major criminal and interdepartmental investigations within the Section; and represents the Department before the media, as appropriate; is a participating/voting member of the San Diego County Domestic Violence Council; sits as a voting member of the San Diego County Domestic Violence Fatality Review Team; coordinates with community based organizations to ensure partnerships are being maintained.

SERGEANT

DESCRIPTION OF DUTIES

Supervises daily work of investigators, makes work assignments, performs necessary office and field duties, coordinates informational flow with other units, and monitors activity levels and performance of investigators.

FUNCTIONAL DUTIES

Supervises daily work of investigators assigned to the Unit. Assigns follow-up investigations to individual investigators; provides field supervision of investigators; reviews activities of investigators including, but not limited to, arrests, time cards and daily reports; reviews, edits and approves reports; serves subpoenas to investigators; maintains records of investigators' activities; coordinates activities with other Department units and maintains liaison with other law enforcement and community service agencies including the District Attorney and City Attorney; actively participates as members on various Domestic Violence related committees (e.g., Elder Abuse, San Diego Domestic Violence Council Law Enforcement and Medical Sub-Committee, Domestic Violence Fatality Review Team); update Domestic Violence curriculum, instruct and coordinate instructors for the Regional Training Academy; coordinate site visits for visiting agencies; schedules requests for speakers.

Prepares monthly reports summarizing the activity of the Unit; identifies needs of the Unit and prepares requests to fulfill those needs; determines training needs for Unit personnel, implementing training as needed; provides counseling as needed; adjusts working hours when required in accordance with Department Policy and MOU; makes daily inspections of investigations and equipment as defined by the Unit commanding officer; ensures that Department Rules and Regulations are adhered to; and appraises the lieutenant of any unusual occurrence or cases of a sensitive nature.

DETECTIVE

DESCRIPTION OF DUTIES

Conducts investigations of all types of domestic violence incidents.

FUNCTIONAL DUTIES

Receives assigned cases including suspects in-custody, conducts an investigation; contacts the victim/witnesses; prepares those case jackets which qualify for prosecution by the District Attorney/City Attorney, makes disposition on case; record daily cases for monthly reports; establish and maintains liaison with divisions within the department and other community agencies; participate in teaching Domestic Violence at The Regional Training Academy; partner with community organizations as members of Domestic Violence related councils and committees; be available for call-out and office duties; maintain equipment issued by the department and Domestic Violence unit.

DUTY DETECTIVE

There will be one duty detective each day of the week. The duty detective must remain in the office or building at all times. A unit supervisor will post the assignments for each month.

The duty detectives will handle all prisoners brought to the Unit by patrol. They will expeditiously assist the patrol officers with the processing of the prisoner and will assume responsibility for the investigation of the case. The detective will also be responsible for handling incoming telephone calls from citizens not directed to a specific detective. The duty detectives will also apprise a supervisor of any unusual cases. Patrol officers shall not, absent of extraordinary circumstances, be called to the Unit for prisoner transportation.

MODIFIED SWORN PERSONNEL

MODIFIED sworn personnel assigned to the Unit are assigned misdemeanor cases where the victim is unwilling to prosecute. They are also assigned non-prosecutable misdemeanor cases to verify facts and cancel the cases when possible. They conduct case research, computer checks for prior cases, check the AFR system throughout the day for cases and perform other miscellaneous duties as required. The MODIFIED officer is responsible for making the South Bay City Attorney mail run at 0900 hours, Monday through Friday. The MODIFIED officer will coordinate volunteers who contact victims of misdemeanor and 13730 P.C. cases.

VOLUNTEERS

Volunteers are assigned to conduct phone contacts to persons involved in non-criminal incidents (13730 PC) and on victims of misdemeanor crime cases where the victim declined to make a citizen arrest. The volunteer will verify the contents of the police report with the victim and ensure that no felony crime has transpired. Volunteers will also refer victims to assisting agencies such as Temporary Restraining Orders clinics, shelters, and counseling services. Volunteers will assist in entering statistical information on the Duty Assignment/Case Status Log.

SENIOR TYPIST

FUNCTIONAL DUTIES

Provides supervision of administrative support staff of Domestic Violence Unit; enforces Department Rules and Regulations, Policies and Procedures; supervises training of new support personnel; assigns and coordinates work assignments; completes employee evaluations; answers and screens incoming telephone calls; assists the public entering the office; types all confidential materials; completes bi-weekly payroll; interviews and selects qualified personnel; and prepares performance plans.

WORD PROCESSING OPERATOR

FUNCTIONAL DUTIES

Types correspondence, reports and various other documents; types finished documents from rough drafts, tapes and oral instruction; answers Unit telephones and takes messages; types case and arrest log; maintains miscellaneous filing systems, subpoenas; and orders Unit supplies.

SECTION III

INVESTIGATION PROCEDURES

Basic investigative procedures are generally applicable to any criminal offense. The intent of the following is designed as a general outline in domestic violence cases. Many of the steps mentioned may be utilized to establish the elements of additional crimes.

CASE ASSIGNMENT CRITERION

Cases will be assigned to detectives on the basis of area responsibility and prior incidents. This assignment criterion may not always pertain to Spanish/other language speaking detectives.

CRIME CASES

1. Check each assigned case for accuracy and thoroughness.
2. Log all assigned cases daily in personal log. The completed, up-to-date log will be kept in a place accessible for review by a supervisor or for determining case status.
3. Conduct record check for:
 - a. Prior domestic violence cases
 - b. Warrants
 - c. Parole, probation history
 - d. Criminal history
4. Contact victim(s) in person, or by telephone.
5. Verify accuracy of report with victim.
 - a. Can victim identify suspect? (Victim unconscious or refuses to identify suspect)
 - b. Were weapons used/impounded?
 - c. Were victim's injuries photographed?
 - d. Assist victim in obtaining E.P.O./T.R.O., confidential shelter, and victim-witness information.
 - e. If elements are lacking, or victim refuses to cooperate, i.e. refusal to testify, moves from jurisdiction, etc., cancel by exception.
6. Identification, Arrest of Suspect(s)
 - a. Attempt to locate, interview, obtain confession.
 - b. Attempt to establish elements of crime to ensure appropriate charges are filed.
 - c. Complete arrest report, domestic violence declaration and booking slip.
 - 1) Get booking approval from Duty Lieutenant, and log in.
 - 2) Place suspect's name and charges on office in-custody log book.
 - d. Complete add/drop charge form if necessary.
 - e. Complete bail enhancement form if necessary.
 - f. Contact parole/probation if applicable.
 - g. Contact District Attorney if felony arrest is made.
 - 1) Assist District Attorney with victim interview.
7. Prepare Investigative Reports:

- a. Have sergeant review and sign reports.
 - b. Bring felony cases to Juris 8th floor, District Attorney's Office.
 - c. Submit cases to District Attorney, Hall of Justice Building.
- 8. For misdemeanor cases, submit to City Attorney.
 - a. Send cases by 0830 hours daily.
 - b. Notify warrants will be handled on a case by case basis, and approved by Domestic Violence City Attorney.

CASE DISPOSITIONS

CANCELED BY ARREST

- a. Person arrested and charged with offense.
- b. Person arrested but victim refuses to prosecute.
- c. Person arrested but District Attorney refuses to issue complaint.
- d. Person arrested but charged with a lesser offense.
- e. Person arrested out of state and tried in that state for a crime and not likely to return to California.
- f. Notify Warrant requested for suspect.

NOTE: If a WARRANT OF ARREST is issued, the case may not be canceled until the suspect is arrested.

CANCELED BY EXCEPTION

The suspect is identified and

- a. The victim refuses to prosecute or testify.
- b. The case is rejected by the District or City Attorney's Office.
- c. The suspect dies or
 - 1) Suicide of the offender.
 - 2) Double murder (two persons killed each other).
 - 3) Deathbed confession (suspect dies after making the confession).
 - 4) Offender killed by police.
- d. Extradition is denied.

CANCELED AS UNFOUNDED

- a. The investigation proves the crime did not occur.
- b. Make appropriate comments in space provided.
 - 1) List suspect and plainly mark "not arrested."
 - 2) Include identifying San Diego case/booking numbers when available.

DOMESTIC VIOLENCE INVESTIGATION

SHORT FORM

The purpose of the form is to shorten the case cancellation process. It is still incumbent upon each investigator to conduct a thorough investigation of each case. The below listed examples show the proper use of the form:

1. All felony and misdemeanor in-custody and non-in custody cases where the victim refuses to testify truthfully, there are no independent witnesses, no evidence to corroborate the charge, and the suspect is not on domestic violence probation.
2. The form shall **not** be used on any felony case that may be forwarded for prosecution at a later date if the suspect is arrested for the case or a new case.

IMPOUND PROPERTY

EVIDENCE

1. Investigators should attempt to make disposition of impounded property or evidence as soon as possible.
2. Property tags will be maintained in a separate file by a sergeant who will make periodic checks for final disposal.

CELLULAR TELEPHONE PROGRAM

If a D.V. Cellular Phone is to be issued to a victim of domestic violence or stalking, please follow these guidelines:

1. Get a key to the cabinet from any sergeant.
2. Take any blue binder, fill out all appropriate information, and have the sergeant sign the two forms.
3. Take any D.V. Cellular Phone, and make sure the phone issued has been charged for eight hour's prior to issuance.
4. Issue the appropriate adapters: IE: cord charger, vehicle cigarette lighter adapter.
5. Be sure to sign the log for check out/check in purposes. This log will be in the cabinet on a clipboard.
6. Once the phone is issued, make copies of the victim/suspect information, and hand carry to lead desk in communications. This is to ensure communications gives all appropriate information to responding units if your victim calls for help.
7. Before your victim leaves the office, test the cellular phone with communications. Turn unit on, press 5, and send. Communications will verify.
8. Issue cellular phone for a period of (30) days. Have your victim call you once each week from a separate phone, i.e.: pay phone, etc.
9. When the cellular phone is returned by your victim, place in cabinet. Have any sergeant initial return for accountability. Be sure to sign log on clipboard.
10. Contact communications to remove information from O.N.S.

If you have any questions, please contact your sergeant.

APPLICABLE PENAL CODES

- | | | |
|-----|----------------|---|
| 1. | 273.5 P.C. | -Spousal abuse or inflicting corporal injury upon another adult with whom the suspect is cohabiting or on the mother or father of their child |
| 2. | 242 P.C. | - Simple battery |
| 3. | 243(b) P.C. | - Battery on a police officer |
| 4. | 243(d) P.C. | - Battery - Felony |
| 5. | 243(e) P.C. | - Battery - Misdemeanor |
| 6. | 240 P.C. | - Assault |
| 7. | 166.4 P.C. | - Contempt of court order |
| 8. | 148 P.C. | - Resisting arrest |
| 9. | 12020(a) P.C. | - Possession of a dangerous weapon |
| 10. | 12025(a) P.C. | - Possession of a loaded firearm (concealed) |
| 11. | 12031 P.C. | - Possession of a loaded firearm in a public place. |
| 12. | 647(f) P.C. | - Public drunkenness |
| 13. | 602.5 P.C. | - Trespassing |
| 14. | 594(b) P.C. | - Vandalism (even if community property) |
| 15. | 591 P.C. | - Malicious destruction of a telephone |
| 16. | 418 P.C. | - Forceful entry into the home of another |
| 17. | 417(a) P.C. | -Brandishing a knife or gun |
| 18. | 273.6 P.C. | -Violation of any domestic violence restraining order |
| 19. | 136.1 P.C. | -Preventing or dissuading a victim from reporting |
| 20. | 245(a)(1) P.C. | - Assault with a deadly weapon or force likely to produce great bodily injury |
| 21. | 422 P.C. | -Terrorist threats |
| 22. | 646.9 P.C. | -Stalking a victim |
| 23. | 597 P.C. | -Cruelty to animals (implication is that the victim will suffer the same fate as animal) |
| 24. | 203 P.C. | -Mayhem |
| 25. | 207 P.C. | -Kidnapping |
| 26. | 236/237 P.C . | -False imprisonment |
| 27. | 262 P.C. | -Spousal rape |
| 28. | 653m P.C. | -Threatening or harassing phone calls |

SECTION IV

GENERAL INFORMATION

CORRESPONDENCE

1. Official correspondence from the unit is signed by the commanding officer.
2. Drafts of letters will be submitted to supervisors for approval prior to final typing.

ON CALL DUTY

The Domestic Violence Unit will have two detectives (first up/second up) on call each day for one week at a time. During the hours when the Domestic Violence Unit is closed, the duty detective will be available to respond to any domestic violence incident at the direction of a domestic violence supervisor. When the first up detective is called out, the second up the second up detective will assume the first up role. On some occasions, at the discretion of the on call supervisor, both detectives may be responding to the same incident.

The duty detectives have the use of a police vehicle during these hours and will carry their assigned pagers at all times. The detectives will also carry an evidence bag. The bag is equipped with extra forms and evidence collection supplies. At the end of their on call shift, the bag will be resupplied and ready for the next team.

CALL OUT PROCEDURES

Every member of the Domestic Violence Unit will be provided with a copy of the call out schedule. Assignment periods begin and end at 0730 hours each Tuesday. A supervisor will approve any changes to the schedule, and the Duty Lieutenant must be notified. The on call supervisor will notify the first up detective when the situation warrants. Depending on the circumstances, a sergeant may also respond.

During the assigned periods, detectives should:

- Use their Department assigned vehicle for commuting to and from work.
- Remain available by telephone or pager during off-duty hours and days off for call-out.
- Maintain Department supplied cell phone, Polaroid camera, tape recorder and other necessary supplies contained in duty equipment bag.

OFFICER INVOLVED DOMESTIC VIOLENCE PROCEDURES

Criminal investigations of domestic violence involving peace officers from any agency require review at the lieutenant level. For the purpose of this investigative policy, peace officers include those described in Chapter 4.5 of the California Penal Code and their equivalent from Federal or out-of-state employers.

A copy of the case will be given to the Domestic Violence lieutenant on the day it comes into the office, with the completed case submitted to the Domestic Violence sergeant within the normal 20 day investigative limit.

The Domestic Violence sergeant will provide the Domestic Violence lieutenant with a copy of the completed investigation after it has been approved for prosecution or is ready for filing with any other disposition.

When the investigation is complete, the Domestic Violence lieutenant will notify the agency who employs the peace officer.

DOMESTIC VIOLENCE CASES INVOLVING S.D.P.D. SWORN AND NON-SWORN PERSONNEL

When the offense occurs in the City of San Diego, and the suspect is a San Diego Police Department employee, the case will be referred to the Professional Standards Unit for investigation. Domestic Violence sergeants will make themselves available for assistance to the Professional Standards Unit at all times to assure consistency and thoroughness of the investigation. Investigative assistance will not be delegated to the Domestic Violence detectives. The Professional Standards Unit processes both sworn and non-sworn cases in the same manner as those cases involving regular citizens.

DOMESTIC VIOLENCE CASES INVOLVING "SWORN" PERSONNEL FROM OTHER AGENCIES

Sergeants assigned to the Domestic Violence Unit will assign these cases to domestic violence detectives for investigation.

SECTION V

OFFICE ROUTINES

OFFICE BRIEFINGS AND COMMUNICATIONS

1. One formal office meeting is held every two weeks and is mandatory for all personnel assigned to the Domestic Violence Unit.
2. Emphasis is placed upon the exchange of information between assigned investigators on cases of mutual information and other pertinent items.
3. Investigators are expected to maintain lines of communication with other units.

COFFEE BREAKS

1. Should not exceed 20 minutes.
2. Breaks should be staggered to maintain minimum staffing in the unit at all times.
3. Supervisors will ensure office is adequately staffed at all times to provide security and proper service.

TELEPHONES

1. Incoming calls will be promptly handled and assessed.
2. Clerical staff should be assisted with incoming calls as needed.
3. Use good public relations during conversations.
4. Each investigator maintains a monthly long distance telephone call log. When the telephone bill comes in, clerical personnel provide each detective with a copy of the bill. The investigator will verify the accuracy of the bill, sign it and return it to their supervisor for approval. The supervisor will then forward the bill and log to clerical.

FIELD

1. Officers serving warrants on known suspects should obtain an abstract from the Marshal's Office.
 - a. Other departments are to be notified when an arrest is to be made in their jurisdictions.
2. Officers in the field will monitor the radio and pagers for calls and phone their office regularly for messages.
3. Personnel will mark the office status board with their activities and apprise office supervisors as to field destination and appointments.

RADIO UNIT DESIGNATOR

The Domestic Violence Unit will use the designator 1230 through 1267. Twelve-thirty (1230), twelve-forty (1240), twelve-fifty (1250), twelve-sixty (1260) SAM are the unit supervisors. The investigators will use the designator 1231 through 1267.

PRIMARY RADIO FREQUENCY

The unit will normally operate on the radio frequency used by the area in which they are working.

DAILY ACTIVITY RECORDS

Investigators will enter suspects brought to the unit on the "Walk in log". Investigators handling in-custodies shall ensure that they make the necessary entries on the "2nd day log."

TRANSPORTING PRISONERS

Investigators should request a marked patrol unit to transport prisoners arrested in the field when the following conditions exist:

1. The prisoner is violent and the detective is driving a vehicle without a protective cage.
2. The prisoner is co-operative but the detective does not have a partner and is driving a vehicle without a protective cage.

PARKING

The Unit vehicles will be parked on -P2 level, in accordance with the Department plan established by Special Operations.

VACATION/TO'S

Vacations will be assigned per seniority on the Department. One Detective per squad per day will be allowed off at one time on either vacation days, TO's or combination there of. A unit supervisor must approve exceptions to the above.

SICK LEAVE

Sick Leave will be followed as per Department Policies and Procedures 1.18.

PUNCTUALITY

Normal office hours will be from 0600 - 1700 hours. However, work hours may vary as needed. If a personnel anticipates being tardy, a Unit supervisor will be notified. Contact a unit supervisor when calling in sick.

COURT

According to Department Policy and Procedures 1.11, subpoenas will be signed by the investigator in a legible fashion with the investigator's signature, I.D. number, and date of receipt on the front of the court's copy. Once signed, the subpoena will be placed on the issuing supervisor's desk. Investigators will take the court car or the trolley when attending court on duty. Unit vehicles will not be driven to court except when the investigator is called to court from the field and cannot use the court car or trolley due to time constraints.

COURT APPEARANCE

All Domestic Violence Unit personnel will wear appropriate clothing for any court appearance, as prescribed by Departmental instructions.

DRESS POLICY-GROOMING STANDARDS

Investigators assigned to the Domestic Violence Unit will adhere to the dress and grooming standards as set forth in Department Procedure 5.10, Uniform Equipment and Weapons. Appropriate casual clothing may be worn on Friday of each week, which has been designated casual day.

SMOKING POLICY

Per Department Policy and Procedures 1.44, there will be no smoking in the office.

OVERTIME

Overtime compensation will be followed per Department Policy and Procedure 1.20.

OFFICE SECURITY

The last person who leaves the office each day will be responsible for turning off the coffee pot and lights, turning computers off in Resource Room and locking the office doors. Each detective should be familiar with station security procedures contained in Department Procedure 8.12, Station Security (Code 100).

SCHEDULES

The four sergeants assigned to the Domestic Violence Unit will rotate the duty of scheduling Department shoots, Advanced Officer training, work schedules and any other miscellaneous training on an as needed basis.

EQUIPMENT

Each member of the Domestic Violence Unit will maintain there Department issued equipment in good working order. The equipment will be available for periodic inspections. The detectives will also carry an evidence bag. The bag is equipped with extra forms and evidence collection supplies. At the end of their on call shift, the bag will be resupplied and made ready for the next on call team.

CALL OUT PROCEDURES

The on duty detectives will also be responsible for the duty equipment bags. At the end of their one week on call, the detectives will, if needed, resupply the bag.